

# ***HOUSE OF REPRESENTATIVES***

***Council for Smarter Government***  
**Representative Gaston I. Cantens, Chair**  
**Representative Kenneth Gottlieb, Vice Chair**

## **2001 SUMMARY OF PASSED LEGISLATION**



### ***Business Regulation Committee***

**Representative Bruce Kyle, Chair**  
**Representative Jim Kallinger, Vice Chair**

### ***Judicial Oversight Committee***

**Representative Larry Crow, Chair**  
**Representative Jeff Kottkamp, Vice Chair**

### ***Juvenile Justice Committee***

**Representative Gustavo A. Barreiro, Chair**  
**Representative Carey Baker, Vice Chair**

### ***Local Government & Veterans Affairs Committee***

**Representative Ken Sorensen, Chair**  
**Representative John Carassas, Vice Chair**

### ***State Administration Committee***

**Representative Frederick C. Brummer "Fred" Brummer Chair**  
**Representative Paula Dockery, Vice Chair**



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## **Business Regulation Committee**

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### **CS/SB 202 – Alcoholic Beverage Container Sizes**

**By Agriculture & Consumer Services; Lee and Latvala**

**Linked Bills:** None

**Tied Bills:** CS/HB 187

**Committee(s)/Council(s) of Reference:** Regulated Industries; Finance and Taxation; Agriculture and Consumer Services

The bill amends s. 563.06(6), F.S., to repeal the container size restrictions specified in s. 563.06(6), F.S., relating to malt beverages and allow malt beverages to be sold at retail in individual containers of any size which is 32 ounces or less. Malt beverages may still be sold in kegs, barrels, etc.

The bill also creates a new s. 564.055, F.S., to establish container size restrictions for cider sold at retail which will be identical to the new restrictions for beer; that is, in any size container which is 32 ounces or less and in kegs.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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### **SB 958, 2nd ENG. – Professions Regulated by DBPR**

**By Sullivan**

**Linked Bills:** None

**Tied Bills:** HB 533, HB 1051, HB 1923, 1st Eng.

**Committee(s)/Council(s) of Reference:** Regulated Industries; General Government Appropriations; Appropriations

The bill contains modifications relating to regulation of several professions under the Department of Business and Professional Regulation.

The bill states the DBPR is the sole authority responsible for determining the type of information to be contained in applications for licensure and license renewal. The bill specifies that any submission required to be made to the DBPR in writing may be made by electronic means.

This bill authorizes professions regulated by DBPR to use funds from unlicensed activity accounts to help finance public education programs regarding the scope of services authorized to be performed by practitioners of that profession. The release of funds from an account is conditioned upon their use to inform the general public of activity not subject to regulation when provided by an unlicensed person. This authorization closely reflects the theme utilized by the Board of Accountancy and Florida Institute of Certified Public Accountants in producing Public Service Announcements.

The bill authorizes operating revenues within the Professional Regulation Trust Fund to be transferred to the unlicensed activity account of a particular profession. Conditions for a transfer of funds are that the operating fund is not in a deficit and the fund contains a reasonable cash balance.

The bill removes the authority of the Board of Architecture and Interior Design to approve the curriculum of architectural degree programs. The bill allows an affected person to file for injunctive relief against an individual conducting unlicensed activity relating to architecture or interior design. "Affected person" is defined to include the DBPR, a client receiving services or a private association composed of licensed practitioners.

The bill authorizes the Board of Accountancy at its discretion to reinstate and reactivate a voided CPA license. The bill requires the former CPA to attempt to comply with the statutory requirements for maintaining a license in inactive status but creates an exemption from the inactive status requirements if the failure to comply is a result of illness or unusual hardship. The applicant for relicensure is required to comply with continuing education requirements and pay licensure fees.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 1400, 1st ENG. – Swimming Pool/Spa Service Contractor**

**By Posey**

**Linked Bills:** None

**Tied Bills:** HB 805

**Committee(s)/Council(s) of Reference:** Regulated Industries; Governmental Oversight and Productivity

The bill allows a swimming pool/spa servicing contractor to be exempt from the formal education and work experience prerequisites to qualify to take the pool/spa servicing examination. The bill provides that an applicant is eligible to take the examination if the applicant has completed sixty hours of instruction and has at least one year of related experience. The applicant would continue to be eligible to take the examination by meeting the more formal requirements of college level education in combination with work experience.

The bill provides that the sixty hours of instruction must be related to the authorized scope of work as prescribed in the current definition of a swimming pool/spa servicing contractor. The bill authorizes the Construction Industry Licensing Board to approve courses that provide this instruction.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 1424 – Real Estate Professionals**

**By Posey**

**Linked Bills:** None

**Tied Bills:** HB 1089

**Committee(s)/Council(s) of Reference:** Regulated Industries

This bill allows a real estate licensee to return escrowed property to a buyer without notifying the Florida Real Estate Commission and without initiating the statutory dispute resolution procedures for the disbursement of escrowed funds, provided the buyer rescinds the purchase contract due to the failure to obtain financing. The provisions of the bill are permissive rather than mandatory. Thus, a real estate licensee is not required

to return escrowed property upon cancellation of a contract for purchase and sale, but merely permitted to do so.

The bill requires a registered assistant real estate appraiser to conduct business under the supervision of a licensed or certified appraiser who must be designated as a “primary supervisor.” The primary supervisor is further authorized to designate additional licensed or certified appraisers as “secondary supervisors.” The bill requires the supervisors to be from the same firm or company. It requires the assistant appraiser to notify the Division of Real Estate of the affiliation and of any changes in the business relationship between the assistant and a supervisor.

This bill requires approval by the primary supervisor of any arrangement for direct payment by a client to an assistant appraiser. This bill also requires the supervisors’ signature, designation and license number on appraisal reports and related papers when the assistant appraiser is required by law to authenticate these documents.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2001.

## **HB 1471, 1st ENG. – Public Food Service Establishments and Alcoholic Beverage Licenses**

**By Alexander**

**Linked Bills:** None

**Tied Bills:** CS/SB 1902, CS/HB 475, 1st Eng., CS/CS/SB 1312, 1st Eng.

**Committee(s)/Council(s) of Reference:** Business Regulation (CSG); Fiscal Policy & Resources (FRC); Council for Smarter Government

The bill amends s. 509.049, F.S., to provide that the operator of a food safety training program established and administered to food handler employees at a public food service establishment prior to July 1, 2000, can submit that program to the Division of Hotels and Restaurants, Department of Business and Professional Regulation for its review and approval. The bill allows a private provider who is not an operator to submit a program for approval.

The bill makes approval of a program subject to the provider’s continued compliance with minimum program standards. The division may conduct random audits and may audit any program which it has reason to believe is not in compliance with the statute. The division may revoke a program’s approval if it finds it not to be in compliance with the statute or rules.

The amendments to s. 509.049, F.S., also clarify that the Division of Hotels and Restaurants may adopt rules concerning, but not limited to: the information to be included on application forms; the maintenance of specified records by providers of training; the specific food-safety related components of the training program; and the licensee’s responsibility for providing proof of employee training.

The bill also repeals subsection (6) of s. 561.32, F.S., created by the 2000 Legislature, which imposes a transfer fee, equal to 50 times the license fee, on the transfer of any quota liquor license issued after October 1, 2000. With the repeal of this statute, transfers of quota liquor licenses are controlled by the statute in effect prior to July 1, 2000 [s. 561.12(4)], which prohibits the transfer of a quota license during the first three

years from initial issuance except upon payment of a transfer fee equal to 15 times the annual license fee.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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## Judicial Oversight Committee

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### **CS/SB 84, 1st ENG. – Motorist Profiling Evaluation**

**By Criminal Justice; Meek; and Crist**

**Linked Bills:** None

**Tied Bills:** Similar HB 321

**Committee(s)/Council(s) of Reference:** Criminal Justice; Government Oversight and Productivity; Appropriations Subcommittee on Public Safety and Judiciary; Appropriations

This bill requires that the diverse populations instruction required for law enforcement certification consist of a module developed by the Criminal Justice Standards and Training Commission on the topic of discriminatory profiling.

This bill also requires every county sheriff and every municipal police department to incorporate an anti-racial or other anti-discriminatory policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Anti-profiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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### **CS/SB 94, 1st ENG. – Consumer Collection Practices**

**By Judiciary; Laurent**

**Linked Bills:** None

**Tied Bills:** Similar CS/CS/HB 109

**Committee(s)/Council(s) of Reference:** Judiciary; Commerce and Economic Opportunities

The Florida Consumer Collection Practices Act (Act) restricts the collection activities of persons, whether collecting a debt in their own name or acting as a debt collector for another. The Act provides for minimum statutory damages of \$500 for violation of the Act, plus court costs and attorney's fees.

This bill expands the activities prohibited of a person collecting consumer debts; eliminates the \$500 minimum statutory damages; provides that a prevailing debtor is to be awarded actual damages and additional statutory damages, determined in the court's discretion, of up to \$1000; limits damages in class action suits; provides a two year statute of limitations for bringing a cause of action under the Act; and provides for a "bona fide error" defense.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/SB 108, 1st ENG. – Financial Settlements**

**By Judiciary; Banking and Insurance; Geller; Dawson**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 767, Compare HB 579, 2nd ENG., HB 1507

**Committee(s)/Council(s) of Reference:** Banking and Insurance; Judiciary

CS/CS/SB 108 revises the law relating to two types of financial settlements: structured settlements and viatical settlements. A structured settlement provides periodic payments to a person holding a legal liability against another (e.g., as an injured claimant would against the person at fault for the injury) over a negotiated period of time.

The bill requires court review and approval of all transfers of structured settlements resolving tort claims. In addition, the bill requires the transfer agreements to contain specific disclosures regarding the costs of the transactions and a comparison of the amounts the claimant would receive under the structured settlement and the transfer agreement. A similar disclosure would also be required when the structured settlement is originally negotiated. The bill provides for violations and penalties. It permits any interested party to seek injunctive relief to enforce the provisions of the bill.

The bill also makes changes to the law regarding viatical settlements. A viatical settlement is an agreement under which the owner of a life insurance policy, the “viator,” sells the policy to another person, the “viatical settlement provider,” in exchange for an up-front payment, which is generally less than the expected death benefit under the policy. The viatical settlement provider buying the policy from the original policy owner takes over premium payments and, upon the death of the original policy owner, collects the death benefit under the policy.

Under the bill, forms used in viatical settlements could be filed with the Department of Insurance by persons other than the viatical settlement provider. The disclosure requirements currently applying to viatical settlement providers would be expanded to apply to viatical settlement sales agents and to viatical settlement purchases made on the secondary market.

The bill requires the use of a third-party trustee or escrow agent in viatical settlement transactions on the secondary market. Funds could not be released until the 3-day voidable period has expired.

The bill also removes the expanded definition of “viatical settlement provider” and the grace period allowed for viatical settlement providers, and removes the provision that life insurance contracts adding a free accelerated death benefit are not health insurance policies.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**CS/HB 137, 2nd ENG. – Probate**

**By Smarter Government; Goodlette and others**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 402

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Banking (CCC); Council for Smarter Government

This bill is a substantial re-write of the Florida Probate Code originally enacted in 1972. This bill removes court procedure from the statutes; provides that the effect of a judgment of adoption is controlled by the Probate Code, not the adoption statutes; integrates the Medicaid claims system into the present system of dealing with claims in the estate; separates notice to creditors from the notice of administration provided to beneficiaries; clarifies the grounds for removal of a personal representative, and provides specific procedures for replacing a personal representative upon death, resignation, or removal; simplifies the method for opening of a safety deposit box; eliminates family administration procedure; increases the jurisdictional amount for summary administration from \$25,000 to \$75,000; increases the family allowance from \$6,000 to \$18,000; and fixes the elective share provisions changed in a previous session.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2002.

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**SB 150, 1st ENG. – Property Exempt from Legal Process**

**By Horne**

**Linked Bills:** none

**Tied Bills:** Similar HB 791

**Committee(s)/Council(s) of Reference:** Judiciary; Finance and Taxation

The earned income tax credit is a form of federal assistance to the working poor, primarily those supporting children. Under current Florida law, creditors can take the earned income tax credit from a debtor because it is not exempt from creditors.

This bill adds the earned income tax credit to the list of property that is exempt from creditors under Florida law.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**CS/SB 178, 1st ENG. – Duration of Real Property Liens**

**By Committee on Judiciary and Senator Brown-Waite**

**Linked Bills:** HB 1833

**Tied Bills:** None

**Committee(s)/Council(s) of Reference:** Judiciary; Finance and Taxation

Under current law, judgments are effective for up to twenty years. Until last year, a judgment had to be rerecorded every 7 years to remain a lien on real property of the defendant. Thus, a judgment had to be recorded 3 times during its lifetime in order to utilize the full 20 years.

Chapter 2000-258, Laws of Florida, intended to change that provision to provide that a judgment need only be rerecorded once, at the ten year point. However, due to a bill drafting error, the original recording was left at 7 years. The effects of the error included the possibility of title insurance problems and the shortening of the lien of judgments to 17 years.

This bill corrects the error, and provides clear guidance as to the effective length of judgments based upon filing date.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/HB 199, 2nd ENG. – Substance Abuse Treatment Programs  
By Judicial Oversight; Trovillion; Others**

**Linked Bills:** None

**Tied Bills:** Similar CS/CS/SB 1814, Compare CS/HB 1131, 1st ENG., CS/CS/SB 912, 1st ENG.

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Crime Prevention, Corrections & Safety (HCC); Fiscal Policy & Resources (FRC); Council for Smarter Government

The bill provides legislative intent that a treatment-based drug court program be established in each judicial circuit in Florida. Treatment-based drug court programs attempt to integrate judicial supervision, treatment, accountability, and sanctions to reduce recidivism in drug-related crimes. The bill states the legislative intent that public agencies and private entities shall work together to implement the drug court program. The bill requires each judicial circuit to establish a model of a drug court program.

The bill establishes a voluntary Florida Association of Drug Court Professionals. The association is required to submit a yearly report on drug court issues to the Florida Supreme Court Treatment-Based Drug Court Steering Committee.

The bill amends s. 910.035, F.S., and permits defendants to have certain drug court cases transferred from one county or circuit to another county or circuit.

The bill amends s. 948.08, F.S., to make clear that persons charged with crimes involving the sale of drugs or certain violent crimes are not eligible for admission into pretrial intervention programs.

The bill creates s. 948.16, F.S., which provides for a pretrial intervention program for certain misdemeanor drug offenses.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**CS/SB 252, 1st ENG. – Law Officer/Background Investigation  
By Commerce and Economic Opportunities; King**

**Linked Bills:** None

**Tied Bills:** Similar HB 261

**Committee(s)/Council(s) of Reference:** Commerce and Economic Opportunities; Judiciary

CS/SB 252 requires the current and former employers of an applicant seeking employment as a law enforcement officer, correctional officer, or correctional probation

officer to provide the officer who is conducting a background investigation of the applicant with employment information concerning the applicant. The bill defines “employment information” as including, but not limited to, “written information relating to job applications, performance evaluations, attendance records, disciplinary matters, reasons for termination, eligibility for rehire, and other information relevant to an officer’s performance, except information that any other state or federal law prohibits disclosing or information that is subject to a legally recognized privilege the employer is otherwise entitled to invoke.”

The bill requires the investigating officer or agent to present credentials demonstrating his or her employment with the employing agency and an authorization form for release of the information when requesting employment information from the employer. The form must: (1) have been executed by the applicant no more than 1 year before the request; (2) contain a statement that the authorization has been specifically furnished to the employing agency presenting the authorization; and (3) bear the authorized signature of the applicant.

If an employer refuses to disclose employment information to an employing agency as required, the bill provides that the employing agency has grounds for a civil action for injunctive relief requiring disclosure on the part of the employer.

The bill provides that an employer who releases information pursuant to the bill is immune from civil liability as provided in s. 768.095, F.S.

The bill does not require employers to maintain employment information other than that kept in the ordinary course of business.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

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### **CS/SB 354 – Civil Rights/Complaints**

**By Commerce and Economic Opportunities; Miller; Crist**

**Linked Bills:** None

**Tied Bills:** Similar HB 1377

**Committee(s)/Council(s) of Reference:** Commerce and Economic Opportunities; Judiciary

CS/SB 354 allows aggrieved persons to file complaints brought under the Florida Civil Rights Act of 1992 with the United States Equal Employment Opportunity Commission (EEOC) or with a local government fair-employment-practice (FEP) agency instead of being required to file duplicate complaints with the Florida Commission on Human Relations (commission). If the date the complaint is filed with the EEOC or the FEP agency is clearly stamped on the face of the complaint, that date is the date of filing. The bill also applies the 365-day filing deadline for filing an employment discrimination complaint from the earliest date a complaint is filed with the EEOC, the local FEP agency, or the commission.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

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**CS/HB 367, 1st ENG. – Judicial Nominating Commissions**

**By Smarter Government; Brummer; Cantens**

**Linked Bills:** None

**Tied Bills:** Similar CS/CS/SB 1470, Compare HB 27

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Council for Smarter Government

HB 367 changes the method of selection of the members of the judicial nominating commissions (JNCs). Under current law, the Governor selects three members, the Florida Bar Board of Governors selects three members, and those six members select three more members. Under this bill, the Governor selects five members. Two of those members must be members of the Florida Bar. The Governor selects the other four members of each JNC from nominees provided by the Florida Bar Board of Governors. For those four seats, the Board of Governors submits three nominees for each seat. Each Board nominee must be a member of the Florida Bar. The Governor can select a member from the nominees or can reject the list and asked the Board to submit new names. All JNC members must be from the territorial jurisdiction of the circuits or districts that comprise the court for which the JNC will make nominations. The Governor shall seek to ensure that the Governor's appointments to the JNCs reflect the racial and ethnic diversity of the jurisdiction.

This bill terminates the terms of six of the nine members of each JNC and provides a mechanism to appoint replacements. The three members of each JNC that were directly appointed by the Florida Bar Board of Governors are permitted to complete their current terms. Members of JNCs are appointed to four year terms.

The bill provides that a quorum of the JNC is necessary for the JNC to conduct business and defines a quorum as a majority of members currently appointed.

The bill adds members of the district court of appeal and circuit court judicial nominating commissions to the group defined as "state officers" for the purposes of financial disclosure.

The bill repeals s. 43.29, F.S., the current JNC statute.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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**CS/CS/SB 400, 1st ENG– Support of Dependents**

**By Appropriations; Children and Families; Horne; and Others**

**Linked Bills:** None

**Tied Bills:** Identical HB 349

**Committee(s)/Council(s) of Reference:** Children and Families  
Criminal Justice

Appropriations Subcommittee on Public Safety and Judiciary

The bill substantially amends s. 827.06, F.S., to remove the prohibition from prosecuting an individual for the crime of nonsupport of a child or spouse if there is a court with

jurisdiction over any proceedings for child support or dissolution of marriage. Fines and periods of incarceration for a first and subsequent offenses are specified. A third degree felony is created for cases where there is a fourth misdemeanor conviction or in cases where there is nonpayment of support of an amount of at least \$5,000 that has remained unpaid for more than a year. This bill provides notice requirements and provides for restitution.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

#### **CS/CS/HB 411, 2nd ENG. – Mobile Homes**

**By Council for Smarter Government; Judicial Oversight (SGC); Kyle and others**

**Linked Bills:** HB 1265, 1st ENG.; CS/HB 1397

**Tied Bills:** Similar CS/CS/SB 442; Compare CS/HB 1393; CS/CS/SB 1612; CS/SB 1920, 1st ENG.

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Agriculture & Consumer Affairs (CCC); Council for Smarter Government

This bill amends various provisions of Chapter 723, F.S., regarding Mobile Home Park Lot Tenancies, to define the term "proportionate share" used in the formula for calculating an allowable "pass-through charge"; removes current law requiring a mobile home park owner to pay moving expenses or to purchase the mobile homes of tenants who are being displaced due to a change in use (a closing of the mobile home park), replacing it with a system whereby a mobile home owner may be reimbursed for up to \$10,000 for moving expenses incurred as a result of a change in use; requires the Department of Business and Professional Regulation to maintain copies of all mobile home park prospectuses, and amendments thereto, and to provide a copy upon request within ten days; and provides additional meeting and disclosure requirements related to proposed lot rental increases.

This bill also extends the Hurricane Loss Mitigation Program, which provides assistance in inspecting and improving mobile home tie-downs, an additional four years, to 2006.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

#### **HJR 571, 1st ENG. – Economic Impact Statement/Voting**

**By Johnson**

**Linked Bills:** None

**Tied Bills:** Similar SJR 1176

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Fiscal Policy & Resources (FRC); Procedural & Redistricting Council

HJR 571 amends article XI, section 5, Florida Constitution, to require that the Legislature provide by general law for "the provision of a statement to the public regarding the probable financial impact of any proposed amendment" to the Florida Constitution proposed by initiative prior to the election to determine whether the amendment should be adopted.

If the joint resolution is approved by the voters, it will be effective on the first Tuesday after the first Monday in January following the election.

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### **HB 579, 2nd ENG. – Uniform Commercial Code**

**By Crow**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 386, Compare CS/HB 767, CS/CS/SB 108

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Business Regulation (SGC); Council for Smarter Government

Article 9 of the Uniform Commercial Code provides a statutory framework that governs secured transactions, which are transactions that involve the granting of credit secured by personal property. Article 9 also provides the process by which such liens are enforced against such personal property.

The Uniform Commercial Code is one of many uniform laws proposed by the National Conference of Commissioners on Uniform State Laws (NCCUSL). The commissioners study and review the law of the states to determine which areas of law should be uniform, and promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable.

This bill revises Article 9 of the Uniform Commercial Code, as adopted by Florida, to conform to the Revised Article 9 of the Uniform Commercial Code, as prepared by the National Conference of Commissioners on Uniform State Laws. This bill makes Florida modifications to the proposed uniform act, many of which are necessary to conform to other provisions of Florida law.

As of this writing, 35 other states, and the District of Colombia, have enacted the Revised Article 9 of the Uniform Commercial Code. Bills proposing enactment of the Revised Article 9 of the Uniform Commercial Code are pending in the other 14 states and in the U.S. Virgin Islands.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2002.

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### **HB 601, 2nd ENG. – Judgment & Liens**

**By Pickens; Byrd**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 1744

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Fiscal Policy & Resources (FRC); Smarter Government Council

In the 2000 legislative session, the filing and registration of judgment liens against personal property was moved from the counties to the Florida Secretary of State. The effective date of that law is October 1, 2001. Primarily, this bill is a "glitch bill" that corrects numerous errors in last year's enactment.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 757, 2nd ENG. – Wrecker Liens****By Barreiro; Bennett; and others****Linked Bills:** None**Tied Bills:** Similar CS/SB 2044, 1st ENG.**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Transportation (RIC); Smarter Government Council

Wrecker operators are routinely called upon by law enforcement agencies to tow or store vehicles and vessels. The calls are generally made from a rotation list, and those operators that are named on the list must respond, as a condition of placement on the list, when their turn comes. Under current law, wrecker operators who have been instructed by any law enforcement agency to transport or store vehicles, vessels, or mobile homes, have a lien on such vehicles or vessels for a reasonable towing fee or for a reasonable storage fee.

This bill provides that a wrecker operator who has towed a motor vehicle, mobile home, or vessel at the request of a law enforcement officer, and which motor vehicle, mobile home, or vessel, is sold for salvage, may file a notice of wrecker operator's lien with the Department of Highway Safety and Motor Vehicles (DHSMV). If a wrecker operator files such a lien with DHSMV, the person against whom a wrecker operator's lien has been imposed may not receive a license plate or registration decal on any motor vehicle until the lien is discharged.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 778, 1st ENG. – Lawyer Assistance Programs****By Judiciary; Rossin****Linked Bills:** None**Tied Bills:** None**Committee(s)/Council(s) of Reference:** Judiciary

CS/SB 778 creates civil immunity for persons who report information to Florida Lawyers Assistance, Inc. or other lawyer assistance programs, provided that the information is provided in good faith and without malice. The bill creates a presumption of good faith and lack of malice and places the burden on the plaintiff to show lack of good faith and malice. The bill further provides that privileged information provided to the lawyer assistance programs shall remain privileged and provides that records and proceedings of lawyer assistance programs are confidential unless they are available as business records.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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**CS/SB 800 – Disposition of Traffic Fines****By Finance and Taxation; Silver****Linked Bills:** None

**Tied Bills:** Similar HB 201

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Criminal Justice; Finance and Taxation

Under current law, twelve dollars and fifty cents from the civil penalty received by a county court for a moving traffic violation must be used by the county to fund that county's participation in an intergovernmental radio program, pursuant to s. 318.21(10), F.S. CS/SB 800 provides an exception to that rule and requires that the funds from citations issued in a given municipality be given to that municipality if the municipality has had a financial emergencies board established within the preceding five years and maintains a radio communications program independent of the county. Currently, this bill would only affect the City of Miami and Miami-Dade County.

During the 2000 legislative session, the Miami-Dade County Budget Office estimated this bill would shift \$190,000 from the county to the city. The City of Miami estimated the bill would shift approximately \$300,000 from the county to the city.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 838, 1st ENG. – Landlord & Tenant**

**By Judiciary; Saunders**

**Linked Bills:** None

**Tied Bills:** Compare HB 595

**Committee(s)/Council(s) of Reference:** Judiciary

This bill extends from 15 days to 30 days after termination of a residential lease agreement the time within which a landlord must either return the security deposit or notify the former tenant of the landlord's intent to make a claim against the deposit.

This bill increases from \$250 to \$500 the value of property below which a landlord who elects to utilize the provisions of the Disposition of Personal Property Landlord and Tenant Act may forego sale of tenant property, and thereby dispose of the property or keep the property for the landlord's own use, should the tenant or other owner of the property fail to timely claim the property.

This bill also provides that an active duty servicemember who is transferred more than 35 miles may terminate a residential lease. Additionally, a lease may be terminated by the servicemember at the conclusion of military service, whether by discharge or by death of the servicemember.

This bill further provides that a landlord may pay to an existing tenant a referral fee of up to \$50 for referring a new tenant to the landlord.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 886, 1st ENG. – Durable Powers of Attorney**

**By Judiciary; Klein**

**Linked Bills:** None

**Tied Bills:** Similar HB 1031

**Committee(s)/Council(s) of Reference:** Judiciary

A durable power of attorney is a power of attorney that is not affected by subsequent incapacity of the principal, but remains in effect until death of the principal, revocation by a competent principal, or a judicial finding of incapacity. Florida law currently requires that a durable power of attorney be exercisable immediately.

This bill authorizes individuals to create a springing durable power of attorney, which is a durable power of attorney that is not exercisable immediately, but that takes effect when the individual who created the power of attorney is unable to manage his or her property.

A springing durable power of attorney will become effective upon presentation to a third party of an affidavit of the attorney in fact that the springing durable power of attorney is in effect because of the incapacity of the principal, together with an affidavit from the treating physician confirming that the principal is unable to manage his or her property. A physician executing such an affidavit in good faith is immune from civil liability, disciplinary action, or criminal prosecution.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2002.

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#### **SB 1066, 1st ENG. – Civil Actions/Statements**

**By Peadar**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 211

**Committee(s)/Council(s) of Reference:** Judiciary

The bill amends the Florida Evidence Code to make portions of statements, writings, or benevolent gestures expressing sympathy relating to the pain, suffering, or death of a person involved in an accident inadmissible in a civil action. Portions of statements or writings that show fault will continue to be admissible under the bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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#### **CS/SB 1284, 2nd ENG – Child Support Enforcement**

**By Children and Families; Peadar**

**Linked Bills:** None

**Tied Bills:** Similar HB 1869

**Committee(s)/Council(s) of Reference:** Children and Families

The bill is the Department of Revenue's Child Support Enforcement Program legislative package. The bill clarifies the department's ability to enforce spousal support under specified circumstances as required by federal law and provides two additional conditions requiring a family violence indicator to be placed on a child support case record. The bill provides for the establishment of an administrative pilot, requires a case data analysis review by OPPAGA to be used in the child support guidelines review, and

provides for the adjustment of a child support obligation amount based on a particular shared parenting arrangement.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise specified in the Act.

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**HB 1673, 2nd ENG. – Acts of Violence**

**By Kyle; Wiles**

**Linked Bills:** None

**Tied Bills:** Identical CS/SB 1778, 1st. ENG., Compare HB 223, SB 88

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC); Crime Prevention, Corrections & Safety (HCC); Council for Smarter Government

HB 1673 creates the “Family Protection Act.” The bill provides for a minimum term of imprisonment of five days, in any addition to other statutory penalties, for anyone who is found guilty of, has had adjudication withheld on, or has pled nolo contendere to a crime of domestic violence in which the defendant intentionally caused bodily harm to another.

The bill provides that a person who is convicted of battery and has a prior conviction for battery, aggravated battery, or felony battery and commits a subsequent battery may be charged with felony battery. Under current law, a defendant must have two prior battery convictions before he or she can be charged with a felony. The bill defines “conviction” as “a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.”

HB 1673 adds an additional surcharge of \$201 to any sanction for a violation of statutes prohibiting assault, battery, felony battery, aggravated battery, sexual battery, or any offense of domestic violence. The sanction is made a condition of any probation, community control, or other court-ordered supervision. The bill requires the clerk of the court to deposit \$85 of the surcharge into the Domestic Violence Trust Fund. The remainder is used by the governing board of the county to defray the costs of incarceration and to train law enforcement to prevent domestic violence. It permits the clerk of the court to retain \$1 of the surcharge as a service charge of the clerk's office. The bill permits the Executive Office of the Governor to spend up to \$500,000 each year from the proceeds of the surcharge to administer a statewide public awareness campaign regarding domestic violence.

The bill requires persons convicted of domestic violence offenses to attend a batterer's intervention program as a condition of probation or community control unless the court determines that the defendant does not qualify for the program. The bill requires the defendant to pay the costs of the batterer's intervention program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 1865, 2nd ENG. – Judiciary/Number Increases**

**By Judicial Oversight; Crow**

**Linked Bills:** None.

**Tied Bills:** Similar S 1444, 1st ENG.

**Committee(s)/Council(s) of Reference:** Judicial Oversight (SGC)

The bill authorizes 27 new judges in the trial courts: 16 circuit judges and 11 county judges. The judges filling the new offices created by the bill shall be appointed by the Governor and shall take office for a term beginning on January 2, 2002.

The bill also provides that in addition to the funding for the new judges provided in the General Appropriations Act, a sum of \$119,702 is appropriated from the General Revenue Fund effective January 1, 2002.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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## Juvenile Justice Committee

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### **CS/SB 322, 2nd ENG. – Disposition of Offenders**

By Criminal Justice & Geller

Linked Bills: None

Tied Bills: Substituted in lieu of similar CS/CS/HB 617.

Committee(s)/Council(s) of Reference for House Bill: Juvenile Justice (SGC), Crime Prevention, Corrections, & Safety (HCC), Council for Healthy Communities

Requires the Department of Corrections (Department) to begin housing inmates who are less than age 18 separately from the rest of the adult inmate population. The bill also requires that inmates who are less than age 18 be separated from all inmates who are age 18 and older during the following specified activities: food services, education, and recreation. The Department must report to the Legislature on compliance with this mandate by April 1, 2002.

Requires that inmates who were age 15 years or younger at the time of their offense and are less than age 18, and who have no prior juvenile adjudication, be housed in a designated youthful offender facility until the offender reaches the age of 18. Gives the Department discretion to place such inmate in a facility for juvenile offenders until the inmate is 21 years of age.

Requires that an inmate, regardless of age or youthful offender status, be removed and reassigned to the general inmate population if his or her behavior threatens the safety of other inmates or correctional staff.

Revises definition of "prior record" to change period from 3 years to 5 years for dispositions of offenses committed by the offender before the primary offense when the offense would have been a crime had the offender been an adult rather than a juvenile. Also changes the period from 3 to 5 years if the offense was a sexual offense and the offender has not maintained a conviction-free record, either as an adult or a juvenile for 5 consecutive years from the most recent date of release from confinement, supervision, or sanction, which ever is later to the date of the primary offense.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.





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## Local Government & Veterans Affairs Committee

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### **CS/HB 19, 1st ENG. – Housing**

**By Local Government & Veterans Affairs; Greenstein & Others**

**Linked Bills:** None.

**Tied Bills:** Similar CS/CS/SB 294, Compare CS/CS/CS/SB 446, 1st ENG., CS/CS/SB 460, 1st ENG., CS/SB 1216

**Committee(s)/Council(s) of Reference:** Local Government & Veterans Affairs (SGC); Fiscal Policy & Resources (FRC); Council for Smarter Government

CS/HB 19 requires a facility or community claiming an exemption from the Fair Housing Act with respect to familial status for housing for older persons to register with the Florida Commission on Human Relations and submit a letter to the Commission stating that it complies with the requirements for the exemption. The required registration and documentation must be renewed biennially. The information in the registry must be made available to the public, and the Commission must include this information on a website on the Internet. The bill authorizes the Commission to establish a registration fee, not to exceed \$20, to recoup its expenses. The bill also authorizes the Commission to impose an administrative fine, not to exceed \$500, on a facility or community that knowingly submits false information.

In addition, the bill amends statutes governing the Florida Affordable Housing Guarantee Program, to increase the program's bonding capacity from \$200 million to \$400 million and to add housing for the homeless to the types of affordable housing the Corporation may assist with the Guarantee Program. The bill also amends statutes governing the Florida Homeownership Assistance Program, to delete language limiting the Florida Housing Finance Corporation's ability to assist homebuyers with closing costs and down payment assistance to only those families who participate in the Corporation's single family mortgage revenue bond program. Finally, the bill adds housing developed under the multi-family and single family revenue bond programs to the list of housing that qualifies as housing for the elderly if it qualifies for an exemption under the Fair Housing Act as housing for older persons.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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### **SB 130 – Eminent Domain/Public School Purpose**

**By Heyman**

**Linked Bills:** None

**Tied Bills:** Identical HB 7

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs, Education

SB 130 authorizes municipalities to utilize eminent domain powers to secure land for the purpose of conveying the land to local school boards, following a written school board request. The bill provides for the repeal of this new language on January 1, 2004 and preserves all eminent domain actions filed prior to this date.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**SB 210 – Ad Valorem Taxation/Nonprofit Homes for Aged**

**By Senator Saunders**

**Linked Bills:** None.

**Tied Bills:** Identical HB 621

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Finance and Taxation

SB 210 revises current statutory provisions governing exemption from ad valorem taxation for nonprofit homes for the aged. The bill clarifies that an applicant for exemption must be organized as a not for profit corporation pursuant to statutory provisions, or a limited partnership, the sole general partner of which is organized as a not for profit corporation pursuant to statutory provisions. The bill specifies that the exemption applicable to homes whose residents meet specified income limitations applies to individual units or apartments of the home, and applies a residency affidavit requirement to applicants for this exemption. The bill also provides that statutory provisions providing requirements and criteria for determining the profit or nonprofit status of an applicant for ad valorem tax exemption and providing criteria for determining whether property is entitled to a charitable, religious, scientific, or literary exemption, do not apply to the exemptions for nonprofit homes for the aged.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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**CS/CS/SBs 336 & 190, 2nd ENG. – Florida Building Code**

**By Appropriations; Comprehensive Planning, Local and Military Affairs;**

**Constatine; Clary**

**Linked Bills:** None.

**Tied Bills:** Similar CS/HB 1255, 1st ENG., Compare HB 1223, 2nd ENG., HB 1639, CS/SB 744, SB 1248, SB 1940, CS/SB 2014

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local Government and Military Affairs; Appropriations Subcommittee on General Government; Appropriations; Rules and Calendar

This bill implements the recommendations of the Florida Building Commission providing for a state product approval system, the applicability of the Florida Building Code to storage sheds, plan review of prototype buildings, license fees to fund research and education relating to the construction industry, construction permits, Code Commentary on the Florida Building Code, exemptions from fire safety provisions, the effective date of the code, and other issues relating to the Florida Building Code. The bill delays the effective date of the Florida Building Code and the effective date of the statewide firesafety code until January 1, 2002.

The bill also contains provisions relating to water well contractors, construction of swimming pools, technical amendments to the Florida Building Code, the Building Code

Training Program, development of a rehabilitation code, a study of the necessity for universal elevator keys for emergency personnel, appointments to the Education Technical Advisory Committee of the Florida Building Commission, and the creation of a Building Construction Permitting and Inspection Task Force to make recommendations regarding alternative plans review and inspection procedures.

The bill also provides for the inspection of factory-built school buildings and the use of such building as shelters; delays the deadline until July 1, 2002, for school relocatables intended for long-term use to meet standards established by the Commissioner of Education; changes the standards for ventilation requirements for relocatable classrooms; exempts the Governor's mansion and capitol buildings from plans review and inspections by local governments; clarifies that "chickees," or thatched huts constructed by the Miccosukee or Seminole tribes, are exempt from permitting requirements of the Florida Building Code; requires the Florida Building Commission to research the types of specific needs which are appropriate to justify amendments to the adopted Florida Building Code; appropriates \$250,000 from GR to Florida Community College at Jacksonville for the operation of the Institute of Applied Technology in Construction Excellence, and \$250,000 from GR to Miami-Dade Community College for the implementation of the building code training program for inspectors, contractors, architects, and engineers; delays a rate-filing deadline by insurance companies to conform to the delayed date of the Florida Building Code; clarifies the liability standard in current law for violations of the building code;

The bill allows cities and counties to require one electrical journeyman be present on large commercial construction projects. The bill creates the "Elevator Safety Act," which creates the Elevator Safety Technical Advisory Committee; provides regulatory standards for elevators and similar equipment; provides for permits for conveyance construction or alteration; provides for licenses for elevator contractors and certificates of competency for elevator mechanics and elevator inspectors; and provides for fees and penalties. The bill also includes clean-up of the third party inspection statutory language passed by the 2000 Legislature.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2002.

#### **CS/CS/CS/SB 446, 1st ENG. – Homelessness**

**By Appropriations; Children and Families; Comprehensive Planning, Local and Military Affairs; Constantine; Wasserman Schultz; Saunders; Cowin**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 427, Compare CS/HB 19, 1st ENG., HB 1225, 2nd ENG., CS/CS/SB 294, CS/CS/SB 460, 1st ENG.

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Children and Families; Appropriations Subcommittee on Health and Human Services; Appropriations

The CS for CS/CS/SB 446 incorporates the recommendations of the Commission on the Homeless, establishing the State Office on Homelessness and the Council on Homelessness to address the problem of homelessness. It also amends public school admissions requirements for homeless children; redefines the terms "homeless" and "homeless child;" amends reporting requirements for the Florida Housing Finance Corporation; creates "Challenge Grants" and "Homeless Housing Assistance Grants;"

amends provisions relating to local homeless coalitions; encourages the adoption of local homeless continuums of care; encourages facilities serving persons with mental illness and substance abuse to ensure that persons leaving their care are not discharged into homelessness; requires OPPAGA to study the impact of homelessness, with a report due in 2005; designates December 21 as the Homeless Persons' Memorial Day; and appropriates funds for homeless services and housing for the homeless.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/HB 471 – County Home Rule Charter**

**By Lacasa and Rubio**

**Linked Bills:** None

**Tied Bills:** Similar SB 1700, 1st ENG.

**Committee(s)/Council(s) of Reference:** Local Government & Veterans Affairs (SGC), Judicial Oversight (SGC), Council for Smarter Government

HB 471 is a House Joint Resolution, proposing to amend Section 7, Article VIII of the Florida Constitution. The Resolution authorizes the amendment of county home rule charters by special law, approved by the vote of electors of the county. The Resolution provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or rejection at the general election to be held in November of 2002.

Subject to the Governor's veto powers, the effective date of this bill is January 2003.

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**CS/CS/SB 870, 1st ENG. – Construction/Prompt Payment Act**

**By Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Webster & Others**

**Linked Bills:** None.

**Tied Bills:** Similar CS/HB 113

**Committee(s)/Council(s) of Reference:** Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs

CS/CS/SB 870 applies the "Florida Prompt Payment Act" to school boards, school districts, authorities, special taxing districts, and other political subdivisions, in addition to counties and municipalities, which are currently governed by the act. The bill revises the prompt payment process for construction services, labor, and materials, and provides that if an agent must approve a payment request or invoice prior to either being submitted to the local government entity, payment is due 25 business days after the date the payment request or invoice is stamped as received. The bill requires undisputed portions of a payment request or invoice to be paid within specified timeframes, and requires that a contractor who receives payment from a local government for labor, services, or materials furnished by subcontractors and suppliers hired by the contractor must pay those subcontractors or material suppliers within 15 days after receipt of the payment. Subcontractors are required to provide payment to their subcontractors and material suppliers within the same time frames. The bill provides for minimum interest payments of 1 percent per month on all past due payments for purchases of construction services, including payments from contractors to subcontractors and to suppliers. The bill deletes a statutory provision limiting interest payments on past due payments to 12

months, and provides that no contract between a local government and vendor or a provider of construction services may prohibit the collection of late payment interest charges. The bill also provides that in an action to recover amounts due under the Prompt Payment Act, the prevailing party is entitled to recover court costs and attorney's fees at trial and on appeal under specified conditions.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 946, 1st ENG. – Key Largo Hammocks Botanical Site**

**By Sorensen**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 77

**Committee(s)/Council(s) of Reference:** Natural Resources

SB 946 changes the name of the Key Largo Hammocks State Botanical Site to the "Dagney Johnson Key Largo Hammock Botanical State Park."

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**SB 1020, 1st ENG. – Non-Ad Valorem Assessments**

**By Senator Rossin**

**Linked Bills:** None.

**Tied Bills:** Similar HB 1127

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Finance and Taxation

SB 1020 amends statutory provisions relating to the uniform method for the levy, collection, and enforcement of non-ad valorem assessments. The bill clarifies county authority to levy special assessments to fund capital improvements and government services, and changes provisions relating to public hearing and notice requirements for local governments imposing non-ad valorem assessments. The bill defines "levied for the first time," prescribes requirements relating to the circumstances under which a local government must adopt a non-ad valorem assessment roll at a public hearing, and revises the contents of the notice that must be given before the hearing is held.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/HB 1121 – Driver' Licenses/County Tax Collectors**

**By Council for Smarter Government; Local Government & Veteran Affairs; Byrd**

**Linked Bills:** None.

**Tied Bills:** Similar CS/CS/SB 1276

**Committee(s)/Council(s) of Reference:** Local Government & Veterans Affairs (SGC); Fiscal Policy & Resources (FRC); Council for Smarter Government

CS/CS/HB 1121 allows county tax collectors to be designated the exclusive agent of the Department of Highway Safety and Motor Vehicles (DHSMV) for the local administration

of driver license services. The bill establishes an application process for tax collectors to apply to DHSMV to serve as the exclusive agent, and provides that the administration of driver license services by the tax collector as the exclusive agent of DHSMV must be revenue neutral with no adverse state fiscal impact and with no adverse unfunded mandate to the tax collector. The bill also provides for the creation of a Cost Determination and Allocation Task Force to determine and recommend the allocation of costs between the department and tax collectors for the administration of driver license services. Finally, the bill provides for the development of transition plans to facilitate, where applicable, the orderly transfer of service responsibilities to the tax collector.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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### **SB 1132, 2nd ENG. – County Government/Property Sales**

**By Baker**

**Linked Bills:** None

**Tied Bills:** Compare HB 441, Compare CS/CS/SB 126, 1st ENG., Compare HB 1165, Compare SB 2290

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs, Governmental Oversight and Productivity

SB 1132 authorizes an alternative procedure for the sale or disposition of certain county-owned property. The bill expands the definition of the term Xeriscape, and provides that certain deed restrictions, covenants, and local government ordinances cannot prohibit property owners from incorporating Xeriscape techniques. The bill requires that rain sensors be maintained and operated. The bill requires a winning county certificateholder to immediately provide payment of documentary stamps after a public auction sale, and requires the winning bidder at a tax certificate auction to pay a non-refundable deposit at the point of sale. The bill expands the authority to amend a county budget of the previous fiscal year. The bill expands the tourist impact tax countywide when an area of critical state concern exceeds fifty percent of the land area in the county, upon a successful countywide referendum. The bill provides that certain ordinances, relating to a tourist development tax, may take effect upon referendum. The bill authorizes local governments to use land use mechanisms to supply affordable housing.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law except as otherwise provided.

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### **SB 1344 – Public Employees/Military Preference**

**By Saunders**

**Linked Bills:** None

**Tied Bills:** Similar HB 1911

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity

This bill eliminates the exemption of the positions of city and county managers, and other management, and policymaking positions from being subject to "the veterans'

preference” for appointment and retention for positions of employment in state and local governments provided for in chapter 295, F.S.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 1366 – Property Tax/Permanently Disabled**

**By Finance and Taxation; Cowin**

**Linked Bills:** None.

**Tied Bills:** Similar CS/HB 973, HB 1229, Compare CS/SB 1642, 2nd ENG.

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Finance and Taxation

CS/SB 1366 reduces from two to one the number of licensed physicians of this state required to certify a person as totally and permanently disabled for purposes of the \$500 ad valorem tax exemption currently provided for persons totally and permanently disabled.

Subject to the Governor’s veto powers, the effective date of this bill is January 1, 2002.

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**CS/SB 1642 – Homestead Exemption/Disabled Person**

**By Comprehensive Planning, Local and Military Affairs; Finance and Taxation**

**Linked Bills:** None.

**Tied Bills:** Compare CS/HB 305, HB 1229, CS/SB 1366

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Finance and Taxation

CS/SB 1642 provides that a person who is receiving or claiming the benefit of an ad valorem tax exemption or a tax credit that requires permanent residency in another state for eligibility is not eligible for homestead exemption. The bill provides that the bill does not apply to a person who has the legal or equitable title to real estate in Florida and maintains thereon the permanent residence of another legally or naturally dependent upon the owner. The bill also reduces from two to one the number of licensed physicians of this state required to certify a person as totally and permanently disabled for purposes of the \$500 ad valorem tax exemption currently provided for persons totally and permanently disabled.

Subject to the Governor’s veto powers, the effective date of this bill is January 1, 2002.

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**SB 1766, 2nd ENG. – Public Records/County/Municipal Code**

**By Senator Crist**

**Linked Bills:** None.

**Tied Bills:** Compare HB 731, 1st ENG., CS/HB 1701, SB 768, 1st ENG.

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local and Military Affairs; Governmental Oversight and Productivity; Rules and Calendar

SB 1766 creates a public records exemption for “home addresses, telephone numbers, social security numbers, and photographs” of a current or former code enforcement

officer. It also creates an exemption for the “names, home addresses, telephone numbers, social security numbers, photographs, and places of employment” of the spouse and child of a current or former code enforcement officer. In addition, the names and locations of schools and day care facilities attended by such code enforcement officer’s child is exempt from public disclosure.

In addition, this bill creates a public records exemption for home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties. The bill also exempts the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2001.

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## State Administration Committee

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### **HB 47, 1st ENG. – Fla. Volunteer & Community Service**

**By Bense & others**

**Linked Bills:** None

**Tied Bills:** Similar SB 674

**Committee(s)/Council(s) of Reference:** State Administration (SGC); Fiscal Policy & Resources (FRC); Council for Smarter Government

This bill establishes the “Florida Volunteer and Community Service Act of 2001,” which authorizes the state to establish policies and procedures to provide for funds to facilitate initiatives by public agencies, schools, private institutions, and individuals that establish and implement programs which encourage and reward volunteerism. This bill requires the Florida Commission on Community Service, in its annual report, to include its assessment of the state of volunteerism in Florida. Finally, this bill allows the commission to authorize Volunteer Florida, Inc., the commission’s non-profit direct-support organization, to assist in securing training, technical assistance, and other administrative support needed to accomplish the purpose of this act.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

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### **CS/HB 215 – Parental Rights/Child's Records**

**By State Administration; Cusack & others**

**Linked Bills:** None

**Tied Bills:** Similar SB 98, 1st ENG.

**Committee(s)/Council(s) of Reference:** State Administration (SGC); Council for Smarter Government.

Throughout Florida law, parents of minor children have the right, upon request, to a true and correct copy of their child’s medical and dental records. The Florida Statutes also provide for the right of access by parents to their children’s school records. This bill amends current law to reiterate that both parents have full rights of access. This bill further provides that parents having these rights have the same rights “upon request” to “form, substance, and manner of access” as are available to the other parent, “including without limitation, the right to in-person communication with medical, dental, and education providers.”

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2001.

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### **CS/SB 238, 2nd ENG. – Death Penalty/Mental Retardation**

**By Criminal Justice; Mitchell & others**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 1095

**Committee(s)/Council(s) of Reference:** Criminal Justice, Appropriations Subcommittee on Public Safety & Judiciary; Appropriations

This bill prohibits a death sentence for a defendant convicted of a capital felony, if such defendant is found to be mentally retarded. This bill defines mental retardation and gives express rule-making authority to the Department of Children and Family Services to specify the standardized tests to be used when determining mental retardation.

A defendant is required to give notice of his or her intention to raise mental retardation as a bar to the death penalty. The court must then appoint two experts in the field of mental retardation to evaluate the defendant; the state and the defendant may present the testimony of additional experts. A final sentencing hearing is then conducted without a jury. If a defendant waives his or her right to an advisory jury, he or she may still file a motion with the court specifying intent to raise mental retardation as a bar to the death penalty. Additionally, a defendant may file such motion with the court if the advisory jury recommends a life sentence, and the state intends to request the court to order a death sentence. The state is allowed to appeal a determination of mental retardation.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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### **SB 304, 1st ENG. – Deferred Compensation Programs**

**By Pruitt**

**Linked Bills:** None

**Tied Bills:** Similar HB 351

**Committee(s)/Council(s) of Reference:** Governmental Oversight & Productivity; Comprehensive Planning, Local & Military Affairs

This bill adds “constitutional county officers”, to the definition of “employee” for the purposes of electing to participate in deferred compensation programs. Accordingly, these constitutional officers can elect to defer a portion of their compensation, pursuant to the terms and proportions designated by the deferred compensation program, to the State of Florida Deferred Compensation Plan. This bill also provides that any constitutional county officer may adopt and establish for itself and its employees a deferred compensation program.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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### **HB 385 – Municipal Utilities/Records**

**By State Administration; Brummer**

**Linked Bills:** None

**Tied Bills:** Similar SB 382

**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, any data, record, or documents used directly or solely by a municipally owned utility to prepare a bid relative to a customer or prospective customer's property is exempt from public disclosure. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001.

The Legislature has reviewed the exemption, and this bill reenacts that exemption verbatim.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 387 – Sports-Related Industries/Records**

**By State Administration; Brummer & others**

**Linked Bills:** None

**Tied Bills:** Similar SB 454

**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, the identity of a donor or prospective donor to a direct-support organization who desires to remain anonymous, and all information identifying such donor or prospective donor, are confidential and exempt from public disclosure. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed the exemption, and this bill reenacts that exemption verbatim.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 393 – Public Records/Marketing Projects**

**By State Administration; Brummer & others**

**Linked Bills:** None

**Tied Bills:** Similar SB 456

**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, the identity of any person who responds to a marketing project or advertising research project conducted by the Florida Tourism Industry Marketing Corporation, in the performance of its duties, on behalf of the Florida Commission on Tourism, or trade secrets obtained through these projects are exempt from public disclosure. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed the exemption, and this bill reenacts that exemption verbatim.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 395 – Public Records/Airport Security Plan**

**By State Administration; Brummer**

**Linked Bills:** None

**Tied Bills:** Similar SB 1062

**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, security plans, photographs, maps, blueprints, drawings, and similar materials that depict critical operating facilities of a public airport are exempt from public disclosure. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed the exemption, and this bill reenacts that exemption verbatim.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 397 – Public Records/Toll Facility Charges**

**By State Administration; Brummer**

**Linked Bills:** None

**Tied Bills:** Similar SB 1060

**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, personal identifying information provided to, acquired by, or in the possession of the Department of Transportation, a county, or an expressway authority in connection with a person using a credit card, charge card, or check to pay toll facility charges is exempt from public disclosure. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed the exemption, and this bill reenacts that exemption verbatim.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 399 – Public Record/Emergency "911" Number**

**By State Administration; Brummer**

**Linked Bills:** None

**Tied Bills:** Similar SB 384

**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, the name, address, telephone number, or personal information relating to a person requesting emergency service or reporting an emergency through use of the emergency "911" number is exempt from public disclosure. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed the exemption, and this bill reenacts that exemption verbatim.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 401 – Public Records/Health Care Community**

**By State Administration; Brummer**

**Linked Bills:** None

**Tied Bills:** Similar SB 414

**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, trade secrets, preferred provider organization and health maintenance organization contracts, documents that reveal a health care provider's marketing plans, and proprietary confidential business information submitted to the Attorney General's office, pursuant to a request for an antitrust no-action letter, is exempt from public disclosure for a period of one year from the date of submission. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed the exemption, and this bill reenacts that exemption verbatim.

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Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 403 – Public Record/Pawnbroker Transaction****By State Administration; Brummer****Linked Bills:** None**Tied Bills:** Similar SB 804**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, records relating to pawnbroker transactions delivered to law enforcement officials are confidential and exempt from public disclosure, and those records may only be used for official law enforcement purposes. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed the exemption, and this bill reenacts that exemption verbatim.

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Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 405, 1st ENG. – Public Records/Surplus Lines Insurance****By State Administration; Brummer****Linked Bills:** None**Tied Bills:** Similar CS/SB 1026**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, certain information, including the name and address of the insured and insurer, the type of coverage, amount of coverage, the premium rate, effective date, fees charged, and deductibles, in certain surplus lines insurance records, furnished to the Department of Insurance is confidential and exempt from public disclosure. Pursuant to the Open Government Sunset Review Act of 1995, that exemption was scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed the exemption, and this bill reenacts the exemption verbatim.

In addition, this bill expands the current exemption to include information furnished to the Florida Surplus Lines Service Office, yet narrows that exemption to apply only to information, which, if disclosed, would reveal information specific to a particular policy or policyholder instead of revealing a trade secret.

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Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**HB 407 (Ch. 2001-35, Laws of Florida) – Public Records/University Health Services****By State Administration; Brummer****Linked Bills:** None**Tied Bills:** Compare SB 418**Committee(s)/Council(s) of Reference:** Council for Smarter Government

Currently, certain records held by a university health services support organization are confidential and exempt from public disclosure. These records include contracts for

managed care arrangements; preferred provider organization contracts; marketing plans; trade secrets; and records of peer review panels, committees, the governing board, and agents of the university health services support organization which relate solely to the evaluation of health care services and professional credentials of health care providers and physicians employed by or providing services under contract.

Currently, any portion of a governing board or peer review panel or committee meeting during which a confidential and exempt contract, document, record, marketing plan, or trade secret is discussed is closed to the public. In addition, those portions of any public record, such as a tape recording, minutes, and notes, generated during that portion of a governing board or peer review panel or committee meeting which is closed to the public and which contains information relating to contracts, documents, records, marketing plans, or trade secrets are exempt from public disclosure.

Pursuant to the Open Government Sunset Review Act of 1995, those public records and meetings exemptions were scheduled for review and for repeal as of October 2, 2001. The Legislature has reviewed these exemptions, and this bill reenacts those exemptions verbatim.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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## **SB 428, 2nd ENG. – Building Construction**

**By Dyer & others**

**Linked Bills:** None

**Tied Bills:** Compare HB 613; Includes HB 165; Includes part of HB 1185

**Committee(s)/Council(s) of Reference:** Regulated Industries, Appropriations Subcommittee on General Government; Appropriations

This bill includes provisions relating to unlicensed contracting. It provides for issuance of a notice of noncompliance, imposition of an administrative fine, assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting, and for uses of fine proceeds. It requires the Department of Business and Professional Regulation to create a web page dedicated to listing known information on unlicensed contractors.

This bill provides that the statute of limitations for an action against a construction payment bond is one year. It includes a "temporary help firm" in the definitions of a "subcontractor" and "sub-subcontractor." It allows persons not required to hold a contractor's license to file a construction lien. It removes the authority to serve notices by facsimile, and allows notices to be sent by overnight or second-day delivery service. It requires that a written notice of nonpayment includes any unpaid finance charges due under the lienor's contract.

This bill provides limits on indemnification in construction contracts dealing with private property. A contract indemnification provision must contain a "reasonable" monetary limitation. However, the limitation must not be less than \$1 million per occurrence. Only the indemnitor, the indemnitee, and those in direct relation to these parties, may be involved in the indemnification. It restricts indemnification contracts for public agencies to certain conditions of negligence, recklessness, or intentional wrongful misconduct.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/SB 466, 2nd ENG. – Public Employment**

**By Governmental Oversight & Productivity; Garcia & others**

**Linked Bills:** None

**Tied Bills:** Compare HB 369, 1st ENG., HB 815, SB 468

**Committee(s)/Council(s) of Reference:** Governmental Oversight & Productivity; Appropriations Subcommittee on General Government; Appropriations

This bill substantially revises the employment, recruitment, training, and discipline standards for state agency career service employees, increases the number of exempt positions not subject to career service protections, and reduces the steps involved in processing a disciplinary appeal through the Public Employees Relations Commission (PERC), as well as transfers PERC to the Department of Management Services. This bill also allows managers the flexibility to move employees through pay ranges and provides for salary increase additives and lump-sum bonuses, as well as sets forth a program for savings sharing, bonus payments, and other awards.

Subject to the Governor's veto powers, the effective date of this bill is, except as otherwise provided herein, upon becoming law.

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**HB 499 – Bill of Rights Day**

**By Andrews**

**Linked Bills:** None

**Tied Bills:** Identical SB 1036

**Committee(s)/Council(s) of Reference:** State Administration (SGC), Council for Smarter Government

This bill designates December 15 as "Bill of Rights Day", and provides that the Governor may issue annually a proclamation designating December 15 as "Bill of Rights Day" and may call upon all citizens of the state to observe the occasion.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**CS/HB 501 2nd ENG. – Abolishment of Boards/Other Entities**

**By Council for Smarter Government; Brummer; Cantens**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 1410, Compare HB 707, CS/SB 364

**Committee(s)/Council(s) of Reference:** State Administration (SGC), Council for Smarter Government

This bill abolishes many boards recommended for abolishment by various agencies, as reported by the Department of Management Services in its "Boards and Commissions Review", dated January 2000. Some of the boards repealed in this bill are: the State Lottery Commission, the Capital Center Planning Commission, the Commission on

Government Accountability to the People, the Information Service Technology Development Task Force, and the State Customer Advisory Council.

Subject to the Governor's veto powers, the effective date of this bill is June 30, 2001.

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**CS/CS/HB 503 – Public Employee Optional Retirement Program/Trust Fund  
By Fiscal Responsibility Council; State Administration; Fasano & others**

**Linked Bills:** CS/HB 347, 1st ENG.

**Tied Bills:** Similar CS/SB 436

**Committee(s)/Council(s) of Reference:** State Administration (SGC); Fiscal Policy & Resources (FRC); Fiscal Responsibility Council

This bill establishes the Public Employee Optional Retirement Program (PEORP) Trust Fund to be administered by the State Board of Administration. The State Board of Administration is authorized to adopt rules in order to maintain the trust funds' qualified status under section 401(a) of the Internal Revenue Code, provided such rules do not make substantive changes to PEORP.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001, if passed by three-fourths vote of the membership of each house, and if HB 347 or similar legislation is adopted in the same legislative session or an extension thereof. This bill was passed by three-fourths vote of the membership of each house, and similar legislation was adopted.

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**SB 532 – Outcome-Based Total Accountability**

**By Posey**

**Linked Bills:** None

**Tied Bills:** Identical HB 529

**Committee(s)/Council(s) of Reference:** Governmental Oversight & Productivity, Appropriations Subcommittee on General Government; Appropriations

This bill creates the "Outcome-Based Total Accountability Act." It expands the current requirement that a budget entity, in its legislative budget request, report unit costs, to include reporting costs of all subordinate and contracting entities. More particularly, SB 532 requires that each budget entity submit a one-page summary of information related to itself, subordinate entities, and contracting entities which includes the budget for each entity; the total amount of revenue received or otherwise passed through each entity; the line-item listings of major activities along with total amounts spent for each major activity and unit costs for each activity; and the total amount of reversions or actual pass-throughs without unit-cost data. It is the intent of the Legislature to use unit-cost data not only as a budgeting tool but also as a policymaking tool and an accountability tool.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**HB 625, 1st ENG. – Security for Public Deposits**

**By Bean & others**

**Linked Bills:** None

**Tied Bills:** Similar CS/SB 1670

**Committee(s)/Council(s) of Reference:** State Administration (SGC); Banking (CCC);



## Council for Smarter Government

This bill eliminates the advisory committee to the qualified public deposit program and establishes the Qualified Public Depository Oversight Board comprised of six members and six alternate members. The board represents the interests of all qualified public depositories in safeguarding the integrity of the program and preventing the realization of loss assessments.

This bill authorizes a qualified public depository to use a Federal Home Loan Bank letter of credit as eligible collateral, if certain requirements are met. Finally, this bill also requires a qualified public depository to pledge, deposit, or issue additional eligible collateral between filing periods of monthly reports, within two business days, when notified by the Treasurer that the current market value of the collateral does not meet the collateral requirements. Violations are subject to administrative penalties.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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### **HB 635 - Drivers' Licenses**

**By Hart & others**

**Linked Bills:** None

**Tied Bills:** Identical SB 1948

**Committee(s)/Council(s) of Reference:** State Administration; Transportation, Council for Smarter Government

This bill directs the Department of Highway Safety and Motor Vehicles to require any male between the age of 18 and 26 that applies for a driver's license, commercial driver's license, identification card, or a renewal or a replacement of such license or card, to comply with the Selective Service System. An applicant's submission serves to either certify that the applicant has complied with federal Selective Service System requirements, or is authorization for the department to forward to the Selective Service System the information necessary for registration.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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### **SB 638, 1st ENG. – District School Personnel**

**By Wasserman Schultz & others**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 515

**Committee(s)/Council(s) of Reference:** Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; Appropriations

This bill requires each district school system to provide a policy to allow a district school board employee to authorize use of his or her accrued sick leave by a spouse, child, parent, or sibling who is also a district school board employee. In developing the policy, the district school board must provide that the recipient of the donated sick leave must first deplete his or her sick leave prior to using the donated sick leave. This does not include sick leave from a sick leave pool. This bill provides that donated sick leave has no terminal value.

This bill also provides an appropriation from the General Revenue Fund to the University of Miami-RSMAS Integrated Marine Research and Education Program for fiscal year 2001-2002 in the amount of \$200,000.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**SB 708, 1st ENG. – Education Employees/Sick Leave**

**By Sullivan**

**Linked Bills:** None

**Tied Bills:** Similar HB 1205

**Committee(s)/Council(s) of Reference:** Education; Appropriations Subcommittee on Educations; Appropriations

This bill changes the date, from July 1, 1995, to July 1, 2001, after which school boards and community college boards of trustees must limit the amount of accumulated sick leave that full-time administrative staff can apply toward terminal pay. This bill also changes the date, from July 1, 1995, to July 1, 2001, after which school districts must limit, to a maximum of 60 days of actual payment, terminal pay for accrued vacation leave for all full-time school board employees, which includes administrative staff. In addition, this bill removes all references to a hire date as it relates to sick leave payout for school district and community college administrators.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/SB 710- Fla. Customer Service Standards Act**

**By Judiciary; Governmental Oversight & Productivity; Crist**

**Linked Bills:** None

**Tied Bills:** Identical CS/HB 73

**Committee(s)/Council(s) of Reference:** Governmental Oversight & Productivity; Judiciary; Appropriations

This bill creates the "Florida Customer Service Standards Act" which directs state departments to comply with certain requirements regarding customer service. This bill directs departments to implement its provisions utilizing available resources, and provides that failure to comply with its provisions does not constitute a cause of action.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2001.

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**CS/SB 822, 2nd ENG. – Government Accountability**

**By Governmental Oversight and Productivity; Dyer**

**Linked Bills:** None

**Tied Bills:** Identical CS/HB 623, 1st ENG., Similar HB 1197, 2nd ENG., SB 2022, Compare HB 1827, HB 1977, CS/SB 1784, 1st ENG.

**Committee(s)/Council(s) of Reference:** Governmental Oversight and Productivity; Judiciary; Rules and Calendar

This bill, in part, prohibits the placement of a lien on state property or on any monetary recovery made on the state's behalf; creates a presumption that any contract executed in violation of certain ethics provisions is void with respect to former state employees or former public officials and is voidable in the respect to any private-sector third party who employs or retains such former agency employee; requires that contingency fee contracts for private attorney services on behalf of the state must be commercially reasonable and that if fee disputes arise, the counsel retained by the state must participate in mandatory, binding arbitration; provides that injunctive relief sought by the state must issue without bond or surety; directs the agency head to include in the legislative budget request an inventory of all litigation involving the agency; and clarifies that certain provisions are not intended to authorize the joinder of the Attorney General or a state attorney as a defendant.

This bill provides that an inactive independent special district that is created by a county or municipality through a referendum, but which does not have ad valorem taxing powers, may be merged or dissolved by the county or municipality after publication of notice declaring the inactive status of the district once a week for two weeks, rather than the four weeks, as is provided in current law. This bill provides the effect of the reenactment of existing law pursuant to the required codification of a special district charter. This bill also removes certain special district reporting requirements and streamlines audit compliance processes.

In addition, this bill reorganizes statutory provisions for the Office of Program Policy Analysis and Government Accountability, the Auditor General, and the Legislative Auditing Committee.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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### **SB 850, 2nd ENG. – State Agencies Leasing Space**

**By Burt**

**Linked Bills:** None

**Tied Bills:** Similar HB 567

**Committee(s)/Council(s) of Reference:** Governmental Oversight and Productivity, Appropriations Subcommittee on General Government; Appropriations

This bill allows state agencies to remain in an existing lease even after the 11-month extension period currently allowed by law. If an agency determines that it is in its best interest to remain in the space it occupies after the 11-month extension, the agency may negotiate a replacement lease. The negotiation of the replacement lease can only occur after an independent comparative market analysis is completed. The analysis must demonstrate that the rates offered by the lessor are within market rates for the space offered and the cost of the new lease does not exceed the cost of a comparable lease, plus documented moving costs. If the agency decides to remain in its occupied space, the term of the replacement lease must not exceed the base term of the expiring lease.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2001.

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**CS/CS/SB 912, 1st ENG. – Criminal Rehabilitation**

**By Appropriations; Criminal Justice; Villalobos**

**Linked Bills:** None

**Tied Bills:** Similar CS/HB 1131, 1st ENG.

**Committee(s)/Council(s) of Reference:** Criminal Justice, Appropriations Subcommittee on Public Safety and Judiciary, Appropriations

This bill expands the use of community-based residential drug treatment programs to include inmates who are near their date of release and who are in need of a substance-abuse-transition housing program; requires that any offender “released from a state correctional facility,” who is convicted of a crime on or after July 1, 2001, to be given addiction recovery supervision if the offender meets certain requirements; and requires addiction-recovery supervision for offenders who have no current or previous convictions for drug trafficking or for unlawful sale of a controlled substance.

This bill gives rule-making authority to the parole commission and requires private correctional facilities to provide transition assistance for inmates nearing release from a private correctional facility. In addition, by June 1, 2002, the Department of Corrections (DOC) is required to have six faith-based dormitory programs. Participation by inmates is voluntary.

This bill also allows an inmate to apply for placement at a contracted substance-abuse-transition housing program while working at paid employment and residing in a transition facility; provides that a person who is charged with “tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud,” is also eligible for admission into a pretrial substance abuse education and treatment intervention program approved by the chief judge of the circuit; and requires the DOC to evaluate the impact of designating nonsecure, community-based residential beds for postrelease transition services by March 1, 2002.

This bill requires that the DOC ensure that the number of transition-housing beds provided by private organizations with a faith-based component does not exceed the number of such beds provided by private organizations without a faith component.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2001.

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**HB 1083, 1st ENG. (Ch. 2001-1, Laws of Florida) – Public Records/Autopsy**

**Photographs**

**By Johnson; Miller & others**

**Linked Bills:** None

**Tied Bills:** Identical CS/CS/SB 1356, 1st ENG.

**Committee(s)/Council(s) of Reference:** State Administration (SGC)

This bill creates a public records exemption for autopsy photographs, video recordings, and audio recordings in the custody of a medical examiner; defines “medical-examiners;” and provides for exceptions to the exemption.

A person must file a petition and obtain a court order in order to view or copy such exempt information. A surviving spouse must be given reasonable notice of the petition and of the opportunity to be present and heard at any hearing on the matter. If there is

no surviving spouse, then such notice must be provided to the deceased's parents, and if the deceased has no living parent, then to the adult children of the deceased.

This bill makes it a felony of the third degree for a custodian of an autopsy photograph, video recording, or audio recording, to willfully and knowingly violate the provisions of this bill. Any person who willfully or knowingly violates a court order commits a felony of the third degree.

Subject to the Governor's veto powers, the effective date of this bill is March 29, 2001.

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**CS/HB 1385 – Public Meetings and Public Records**

**By State Administration; Joyner**

**Linked Bills:** None

**Tied Bills:** Similar CS/CS/SB 2178

**Committee(s)/Council(s) of Reference:** State Administration (SGC); Workforce & Technical Skills (LLC); Council for Smarter Government

This bill creates public meetings exemptions as well as a public records exemption. Any meeting or portion of a meeting held by the Department of Children and Family Services, Workforce Florida, Inc., or a regional workforce board or local committee is closed to the public if personal identifying information is discussed regarding a participant in the temporary cash assistance program or a participant's family or household member. Additionally, personal identifying information contained in records regarding temporary cash assistance, that identifies a participant or a participant's family or household member held by certain agencies is exempt from public disclosure. This bill provides exceptions to the public records exemption.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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**SB 1428, 1st ENG. – Insurance Competition/Compensations**

**By Posey & others**

**Linked Bills:** None

**Tied Bills:** Similar HB 1513

**Committee(s)/Council(s) of Reference:** Banking & Insurance; Governmental Oversight & Productivity; Appropriations Subcommittee on General Government; Appropriations

This bill amends current law to prohibit the Department of Management Services (DMS) or the Division on State Group Insurance from prohibiting or limiting any properly licensed insurer, health maintenance organization, prepaid limited health services organization, or insurance agent from competing for any insurance product or plan purchased, provided, or endorsed by DMS or the Division on the basis of the compensation arrangement used by the insurer or organization for its agents.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

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**SB 1516 – Surety bonds**

**By Constantine**

**Linked Bills:** None

**Tied Bills:** Similar CS/CS/HB 615

**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local, & Military Affairs

This bill prohibits school boards or other public entities from requiring that a contractor utilize a specific surety or insurance company for the procurement of a payment or performance bond.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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**HB 1519, 1st ENG. – Clearinghouse on Disability Information**

**By Berfield**

**Linked Bills:** None

**Tied Bills:** Similar SB 1650

**Committee(s)/Council(s) of Reference:** State Administration (SGC); Elder & Long-Term Care (HCC); General Government Appropriations (FRC); Council for Smarter Government

This bill creates the Clearinghouse on Disability Information Office (Clearinghouse) and administratively places it within the Department of Management Services (DMS). The Clearinghouse is not subject to control, supervision, or direction by DMS.

The Clearinghouse must develop and maintain a statewide toll-free information and referral system that provides information and referral for all disability-related services, programs, assistance, and resources.

This bill requires the Clearinghouse to establish an advisory council, not to exceed 19 members, that meets at least four times per year. The role of the advisory council is to assist the office in planning and developing its services. In addition, this bill establishes the criteria for selecting the advisory council members.

Agencies providing disability services must collaborate with the Clearinghouse in the sharing of information that is necessary to establish and maintain the statewide information and referral system. It also requires the Clearinghouse to collaborate with the Florida Alliance of Information and Referral Services to assist with the goal of forming a statewide information and 211 network.

The Clearinghouse must annually prepare a report describing the services provided. This report must be submitted by December 31 to the Governor, the President of the Senate, the Speaker of the House of Representatives, and to each state agency offering services for individuals with disabilities.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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**CS/SB 1562, 1st ENG. – Public Records/Tobacco Industry****By Regulated Industries; Burt****Linked Bills:** CS/SB 1580, 2nd ENG.**Tied Bills:** Compare HB 1523**Committee(s)/Council(s) of Reference:** Regulated Industries; Governmental Oversight and Productivity; Rules and Calendar

This bill creates a public records exemption for proprietary confidential business information received by the Governor, the Attorney General, or outside counsel representing the State in negotiations for settlement payments, and proprietary confidential business information received by the Comptroller or the Auditor General for the purposes of accomplishing their respective responsibilities for settlement payments. This bill provides for exceptions to the exemption. This bill defines the term “proprietary confidential business information.”

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

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**SB 1986 - Public Employees/Volunteers/Insurance****By Sanderson****Linked Bills:** None**Tied Bills:** Identical HB 1469**Committee(s)/Council(s) of Reference:** Comprehensive Planning, Local & Military Affairs; Government Oversight & Productivity

This bill allows a local governmental entity to purchase insurance, enter into risk-management programs, or contract with third-party administrators if the health insurance provider used by the local governmental entity becomes financially impaired as determined by the Department of Insurance, or otherwise fails or refuses to provide the contracted-for coverage or coverages. The local governmental entity may obtain such insurance or enter into such contracts by advertising for competitive bids or by direct negotiations or contracts. SB 1986 essentially allows a local governmental entity to bypass the competitive bid process if an emergency situation arises and the employees or such entity face a potential lack of coverage.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

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**CS/SB 2054, 1st ENG. – Universities Designations****By Education; Sebesta & others****Linked Bills:** None**Tied Bills:** Identical HB 989**Committee(s)/Council(s) of Reference:** Education; Appropriations Subcommittee on Education; Appropriations

This bill permits Florida Atlantic University, Florida Gulf Coast University, Florida State University, University of Central Florida, University of Florida, University of South Florida,

Florida Agricultural and Mechanical University, and Florida International University to name certain buildings and/or facilities on their respective campuses, and to erect suitable markers for such designations.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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